

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16165 of the Leading Commandment Church of God, pursuant to 11 DCMR 3107.2, for a variance from the off-street requirement (Subsection 2101.1) for renovation of and an addition to a church building in an R-2 District at premises 5023 Central Avenue, S.E. (Square 5329, Lot 6).

HEARING DATE: October 16, 1996
DECISION DATE: October 16, 1996 (Bench Decision)

ORDER

The Board of Zoning Adjustment provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 7E and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 7E. ANC 7E, which is automatically a party to the application, submitted a written statement indicating that it had no objection to the relief sought by the applicant.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for grant of a variance pursuant to 11 DCMR 2101.1. Except as noted below, no person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding.

Applicant church could provide four of the six required parking spaces and sought a variance for the remaining two spaces. The D.C. Office of Planning opposed the relief sought on the ground that the church could operate as a matter of right with four parking spaces by reducing the sanctuary seating capacity from 56 to 44.

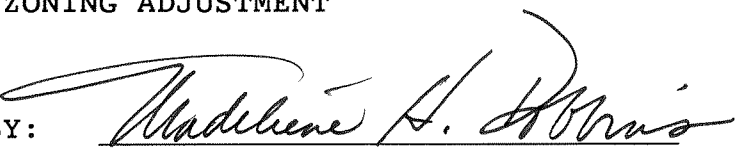
The Board determined that by focusing on matter of right avenues available to the applicant, the Office of Planning failed to give consideration to the existence of "an extraordinary or exceptional situation or condition." The Board found the size of the church's lot to be substandard, and concluded that the substandard size of the lot was an extraordinary or exceptional condition, and that the strict application of Subsection 2101.1 would result in peculiar and exceptional difficulties on the applicant. In any event, requiring applicant to proceed matter of right would be unduly burdensome. The other elements of the variance test were undisputed and established on the record.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan. The Board further concludes that it has given "great weight" to the issues and concerns of the Office of Planning. It is therefore ORDERED that the application is GRANTED.

VOTE: 3-0 (Susan Morgan Hinton, Laura M. Richards and John G. Parsons to grant; Angel F. Clarens and Sheila Cross Reid, not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER:

NOV | 1996

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ORD16165/MHD

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT




BZA APPLICATION NO. 16165

As Director of the Board of Zoning Adjustment, I certify and attest that on NOV 1 1996, a copy of the order entered on that date in this matter was mailed postage prepaid, certified to each party listed below, who appeared and participated in the public hearing concerning this matter:

J.R. Murphy, Trustee
Leading Commandment Church of God
5023 Central Avenue, S.E.
Washington, D.C. 20019

Jeffrey Way
7338 Baltimore Avenue, #107
College park, Maryland 20740

Mary D. Jackson, Chairperson
Advisory Neighborhood Commission 7E
5001 Hanna Place, S.E., Suite B
Washington, D.c. 20019


MADELIENE H. DOBBINS
Director

DATE: NOV 1 1996

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